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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,066	08/21/2003	Elliot A. Gottfurcht	4346.p001x3	8436

8791            7590            05/11/2007  
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EXAMINER
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CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/646,066	ELLIOT A. GOTTFURCHT
	<b>Examiner</b>	<b>Art Unit</b>
	Donald L. Champagne	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 February 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 108-205 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 108-205 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claims 111, 135, 159 and 183 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.
2. These dependent claims contain only nonfunctional descriptive material (MPEP § 2106.01). The method claims do not further limit by adding a step and the system/apparatus/product claims do not further limit by adding structure (35 USC 112, 4<sup>th</sup> para., MPEP § 2164.08, 37 CFR 1.75(c) and the notes for form para. 7.36).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 108-205 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US006571279B1) in view of Szabo (US006868525B1).
5. Herz et al. teaches (independent claims 108, 132, 156 and 181) a method, and a machine-readable medium containing said method, the method comprising:
  - receiving a plurality of bids to display advertising (col. 5 lines 15-30);
  - ranking the plurality of bids based on at least one criterion (col. 11 lines 52-59, where *selects the highest bidder* reads on “ranking the plurality of bids”);
  - displaying an advertisement associated with a highest ranked bid of the plurality of bids (col. 5 lines 30-34); and

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displaying content (*information that a user requests and views*) via an internet (web pages) that is associated with the advertisement (*product information*, col. 19 lines 1-18 and col. 26 lines 5-15).

6. Herz does not teach displaying through a hierarchical navigation interface having a plurality of increasingly specific hierarchical layers. Szabo teaches displaying through a hierarchical navigation interface having a plurality of increasingly specific hierarchical layers (col. 17 line 54 to col. 18 line 6, and col. 47 lines 37-65, incl. Fig. 9). Because Szabo et al. teaches that a hierarchical navigation search interface makes large quantities of information understandable (col. 3 lines 6-10 and 47-51, and col. 7 lines 31-35), and because Szabo et al. teaches that it is especially useful for targeted advertising (col. 18 lines 8-14), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Szabo to those of Herz et al.
7. Szabo et al. also teaches that the plurality of bids is received in association with a keyword (col. 3 lines 17-35). Szabo et al. also teaches hyperlinks (col. 2 lines 56-58), which reads on formatting any one of the content or the advertisement for navigation with unique inputs.<sup>1</sup>
8. Herz et al. also teaches at the citations given above claims: 111, 135, 159 and 184 (inherently, since a "category" can be most anything); 115, 116, 139, 140; 163, 164, 188 and 18; 119, 120, 143, 144, 167, 168, 192 and 193; 122, 146, 170 and 195; 129, 153, 178 and 203; and 131, 155, 180 and 205.
9. Herz et al. also teaches claims: 109, 133, 157 and 182 (col. 6 lines 27, where profile maintenance is an accounting function); 110, 134, 158 and 183 (col. 29 lines 6-7); 118, 142, 166 and 191 (col. 18 line 3); and 130, 154, 179 and 204 (col. 11 lines 22-26).
10. Szabo also teaches at the citations given above claims: 113, 114, 127, 137, 138, 151, 161, 162, 176, 186, 187 and 201; 117, 141, 165 and 190; 122, 146, 170 and 195; 171 and 196; 123, 124, 147, 148, 172, 173, 197 and 198 (inherently, when there is one layer); and 125, 149, 174 and 199.

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<sup>1</sup> A hyperlink anchor has a unique location, so activating it generates a unique input. A narrower meaning for "unique input" is disclosed at spec. para [0071], [0073] and [0094], but these examples do not rise to the level of a "clear definition" (MPEP § 2111.01), which is to say a definition that sets bounds on the meaning of the term. Hence the examiner is obligated to give "unique input" its broadest reasonable interpretation, in light of the specification, and consistent with the interpretation that those skilled in the art would reach (MPEP § 2111).

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11. Szabo also teaches claims: 112, 136, 160 and 185 (col. 14 lines 55-58); and 126, 150, 175 and 200 (col. 45 lines 45-49).
12. Neither reference teaches displaying a report of aggregated user selections (claims 121, 145, 169 and 194)<sup>2</sup> nor receiving navigation input from a voice recognition system (claims 128, 152, 177 and 202). Official notice is taken (MPEP § 2144.03) that both displaying reports of targeting data and voice recognition inputs (by the blind, for example) were well known and therefore obvious at the time of the invention.

#### **Conclusion**

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 9:30 AM to 8 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at [donald.champagne@uspto.gov](mailto:donald.champagne@uspto.gov), and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717. The fax phone number for all *formal* matters is 571-273-8300.
16. The examiner's supervisor, Eric Stamber, can be reached on 571-272-6724.

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<sup>2</sup> Herz et al. does teach tracking viewing and purchasing history (col. 6 lines 17-23), which reads on tracking user navigation selection.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

18. **AFTER FINAL PRACTICE** – Consistent with MPEP § 706.07(f) and 713.09, prosecution generally ends with the final rejection. Examiner will grant an interview after final only when applicant presents compelling evidence that “disposal or clarification for appeal may be accomplished with only nominal further consideration” (MPEP § 713.09). The burden is on applicant to demonstrate this requirement, preferably in no more than 25 words. Amendments are entered after final only when the amendments will clearly simplify issues, or put the case into condition for allowance, clearly and without additional search or more than nominal consideration.

19. Applicant may have after final arguments considered and amendments entered by filing an RCE.

20. **ABANDONMENT** – If examiner cannot by telephone verify applicant’s intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office’s web site, [www.uspto.gov](http://www.uspto.gov). At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

Donald L. Champagne  
Primary Examiner  
Art Unit 3622

8 May 2007

DONALD L. CHAMPAGNE  
PRIMARY EXAMINER